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U.S. Dept. of Agriculture

Rules and regulations for carrying out the...

[Washington]

[1935]

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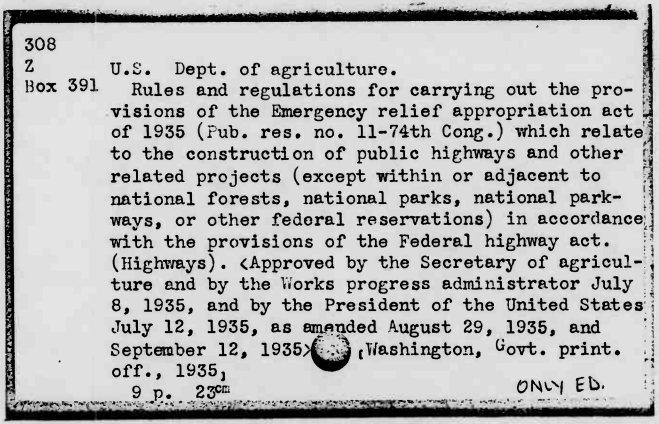

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U.S. Dept. of agriculture.
Rules and regulations for carrying out the provisions of the Emergency relief appropriation act of 1935 (Pub. res. no. 11-74th Cong.) which relate to the construction of public highways and other related projects (except within or adjacent to national forests, national parks, national parkways, or other federal reservations) in accordance with the provisions of the Federal highway act. (Highways). <Approved by the Secretary of agriculture and by the Works progress administrator July 8, 1935, and by the President of the United States July 12, 1935, as amended August 29, 1935, and September 12, 1935> [Washington, Govt. print. off., 1935]
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OCT 7 - 1935

RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935 (PUB. RES. NO. 11—74TH CONG.) WHICH RELATE TO THE CONSTRUCTION OF PUBLIC HIGHWAYS AND OTHER RELATED PROJECTS (EXCEPT WITHIN OR ADJACENT TO NATIONAL FORESTS, NATIONAL PARKS, NATIONAL PARKWAYS, OR OTHER FEDERAL RESERVATIONS) IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL HIGHWAY ACT

(HIGHWAYS)

[Approved by the Secretary of Agriculture and by the Works Progress Administrator July 8, 1935, and by the President of the United States July 12, 1935, AS AMENDED August 29, 1935, and September 12, 1935]

DEFINITIONS

SECTION 1. For the purposes of these rules and regulations, the following definitions shall be controlling:

The term "act" shall mean those provisions of the Emergency Relief Appropriation Act of 1935 (Pub. Res. No. 11—74th Cong.) which provide for the construction of public highways and other related projects (except within or adjacent to national forests, national parks, national parkways, or other Federal reservations) in accordance with the provisions of the Federal Highway Act as amended and supplemented and subject to the provisions of section 1 of the act of June 18, 1934 (48 Stat. 993).

The term "State", as used herein, shall include the Territory of Hawaii and the District of Columbia.

The term "Secretary" shall mean the Secretary of Agriculture of the United States.

The term "works program highway funds" shall mean the $200,000,000 of Federal funds allocated by the President under the act, and any further sums so allocated and apportioned to the several States by the Secretary of Agriculture for the construction of public highways and other related projects (except those within or adjacent to national forests, national parks, national parkways, or other Federal reservations) in accordance with the provisions of the Federal Highway Act, as amended and supplemented, and subject to the provisions of section 1 of the act of June 18, 1934 (48 Stat. 993).

Projects located on the Federal-aid highway system outside of municipalities and metropolitan areas involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPH ——." Projects located on the State highway system, outside of municipalities and metropolitan areas but not included in the Federal-aid highway system, involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPSS ——." Projects located on secondary or feeder roads outside of municipalities or metropolitan areas and not included in the State highway system or the Federal-aid highway system, involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPSO ——." Projects located on the Federal-aid highway system or extensions thereof within municipalities or metropolitan areas involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPMH ——." Projects located in municipalities or metropolitan areas but not included in the Federal-aid highway system involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPMS ——." Any signs which may be displayed on any such project for the purpose of its identification by firms or individuals to whom any contract for its construction is awarded shall refer to the project by the appropriate foregoing designation.

The term "apportionment" refers to the amounts which have been placed to the credit of the individual States by the Secretary's certificate of apportionment of June 3, 1935, for the construction of highways and other related projects.

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"Secondary or feeder roads", for the purpose of these regulations, shall be divided into three classes and defined as follows:

(1) Roads outside of municipalities or metropolitan areas which are not included in the Federal-aid highway system or the State highway system in States which have not taken responsibility for important county or township roads or roads of similar classification (WPSO). (2) Roads outside of municipalities or metropolitan areas which are a part of the State highway system but not included in the Federal-aid highway system (WPSS). (3) Roads or streets within municipalities or metropolitan areas which are not included in the Federal-aid highway system (WPMS).

A "municipality" shall be construed to mean a populous community, generally of defined area, usually organized pursuant to law into a body politic with corporate name and continuous succession, and for the purpose and with the authority of subordinate local self-government.

A "metropolitan area" shall be construed as the territory immediately contiguous to the relatively larger municipalities of a State within which workers living in the municipality may be transported daily to and from work within the territory.

INITIATION OF PROJECTS

SEC. 2. All projects under this act shall be initiated by the States and submitted in the same manner as other Federal-aid projects, and all such projects shall be subject to all of the provisions of the rules and regulations of the Secretary of Agriculture for administering the Federal Highway Act, as heretofore promulgated, except such provisions as are inconsistent or in conflict with these rules and regulations.

APPLICATION OF FUNDS TO PROJECTS

SEC. 3. Of the funds apportioned to any State under the act, not less than 25 percent shall be applied to secondary or feeder-road projects of the first classification (WPSO), that is, roads outside of municipalities and metropolitan areas, which are not included in the State highway system or Federal-aid highway system; and not less than 25 percent of such funds shall be applied to projects within municipalities or metropolitan areas located on the Federal-aid highway system or extensions thereof (WPMH) or on secondary or feeder roads of the third classification (WPMS). The remaining percentage of a State's apportionment may be applied to projects on the Federal-aid highway system or to secondary or feeder projects of the second classification located on the State highway system but not included in the Federal-aid highway system.

SELECTION OF PROJECTS

SEC. 4. Insofar as practicable and feasible, projects to be undertaken with works program highway funds shall be selected with respect to undertaking desirable improvements by providing employment in areas where large unemployment exists. Data furnished by the Emergency Relief Administration with respect to the relief load in the various counties of a State shall be used to the extent possible as a basis for the selection of projects in the different counties in the State.

PROGRAMS OF PROJECTS

SEC. 5. Each State highway department shall prepare in tabular form, for each of the hereinbefore-mentioned classifications of projects, programs of proposed works program highway projects to be undertaken indicating the project number, county, location, length, termini, proposed character of work, estimated man-hours of employment, estimated quantity, and cost of the principal kinds of materials entering into such work, the estimated total cost, and the amount of works program highway funds desired for each project. The tabulation for each classification of projects shall be totaled with respect to mileage, man-hours of employment, estimated cost of materials, estimated total cost, and the amount of works program highway funds desired. Each State highway department shall confer with the State relief administrator and the State administrator of the Works Progress Administration in an endeavor to select projects for which sufficient labor is available locally from relief rolls. The programs shall be accompanied by Federal-aid progress maps

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indicating in diagrammatic form the location of projects, their classification, and estimated cost. The programs may be submitted in whole or in part, except that no program will be considered for projects involving less than 25 percent of a State's apportionment unless made up of minor additions made possible by contract prices being less than the estimated costs. Insofar as possible programs for the complete utilization of the funds available to a State shall contain a list of contingent projects, in order of priority, which will be undertaken in the event projects on the regular programs fail to absorb all the funds.

The programs thus prepared shall be submitted to the district engineer of the Bureau of Public Roads for examination and review. Upon receipt of advice from him that they are satisfactory to recommend for approval, they shall be submitted by the State highway department to the State director of the National Emergency Council and the State administrator of the Works Progress Administration for concurrence in a recommendation of approval before being returned to the district engineer of the Bureau of Public Roads for transmittal to the headquarters office of the Bureau for final action.

BASIS OF APPROVAL OF PROJECTS

SEC. 6. All projects proposed by a State highway department shall be measured for approval on the basis of providing the equivalent of a man-year of employment on the project at a total cost to the Federal Government, including labor, materials, and all other items properly chargeable to the work, of not exceeding $1,400 per man-year. Items properly chargeable to the cost of a project on which the above measure of participation shall apply are: (1) Costs incurred subsequent to the allocation of funds under the act (May 16, 1935) for surveys and the preparation of plans for projects which are approved for construction, except that no part of the expense of maintaining an overhead organization of a State highway department or other agency cooperating with the State in undertaking the work shall be included in such cost; (2) engineering costs for supervision of construction; (3) all construction costs whether by contract or force account, except that no reimbursement will be made for the use of publicly owned equipment whether owned by the State, county, or other political subdivision. Upon the completion of any project the total obligation of the Federal Government toward its improvement payable from works program highway funds shall not exceed the man-hour expenditure for total estimated cost of the project on which the project was approved multiplied by the number of man-hours of employment actually given on the job as determined by the accumulative totals for administrative, executive, and supervisory employees, and skilled, intermediate grade, and unskilled persons employed on the work during its prosecution. If any State highway department desires to undertake work of a type or character in which the total cost per man-year of direct employment on a project is in excess of $1,400 per year such project may be approved, provided the obligation of the Federal Government is limited to this sum or its equivalent of 90 cents per man-hour of employment for the number of man-hours of employment actually given on the project under the conditions of employment hereinafter given.

SURVEYS, PLANS, SPECIFICATIONS, ETC.

SEC. 7. Surveys and plans, specifications, and estimates for all projects in each State shall be perpared under the immediate direction of the State highway department and the construction involved shall be under the immediate supervision of the State highway department. The State highway department, if it so desires, may utilize the services of efficient county or city engineering organizations for the preparation of plans for any project. Inasmuch as the Federal Highway Act requires each State to maintain at its own expense a highway department having adequate powers and suitably equipped and organized to discharge the duties required by the legislation, no part of the cost of maintaining a central office organization of the State highway department, or of city or county engineering organizations, which may be utilized by the State in the conduct of the work under this act, will be paid with Federal funds. Engineering charges reimbursable with Federal funds will be confined to the payment of salaries and necessary expenses of individuals actually employed in making the surveys and in the preparation of such plans and specifications.

The funds apportioned shall not be available for the payment of any portion of the cost of surveys and the preparation of plans incurred prior to the approval of the allotment of funds for this purpose on May 16, 1935, and no part of the cost of the surveys, plans, and engineering supervision of construction will be paid to any State which restricts employment of engineers on such work to residents of the State. The survey and design requirements for projects undertaken under this act shall be reasonably consistent with the type of work contemplated. Abbreviated plans previously acceptable to the Bureau of Public Roads for secondary projects under previous Public Works highway programs may be utilized to the maximum extent possible for work involving light grading where the improvement follows very closely the existing road or where the improvement consists of surfacing existing roads with local materials and the installation of small drainage structures. On projects involving heavier grading quantities, abbreviated plans may be submitted on which the project may be approved subject to the condition that complete plans will be prepared and quantities actually measured as a basis of settlement for the work actually performed. No minimum design standard shall be established other than that work undertaken with such funds shall provide a better type of improvement than existed previously on a project and one which can be maintained in a state of serviceability at a reasonable cost for maintenance.

METHODS OF UNDERTAKING THE WORK

SEC. 8. Wherever feasible and practical the contract method shall be used for undertaking work under the act. Where a State highway department, however, is organized and equipped to undertake projects on a day-labor or force-account basis, or desires to utilize the services of efficient city or county engineering organizations similarly organized and equipped to undertake projects on this basis, approval may be given to this latter method of undertaking the work on any project. On all work undertaken on a contract or force-account basis the specifications shall stipulate the minimum man-hours of employment established for the project, and no contract shall be awarded or force-account work approved on a basis which will provide less than the required man-hours of employment, unless the State highway department is willing to assume the additional cost involved. In the case of overruns or underruns in quantities or the performance of contingent items in the work performed on a contract or by force account, the minimum number of man-hours of employment to be given on the project shall be appropriately adjusted on the basis of the final cost of the project. The specifications shall not describe in detail any restrictive methods of undertaking the work, but the contractor shall be permitted to undertake the work in general conformity with approved State highway department specifications in which hand-labor methods shall be permitted to the maximum extent possible on any detail of work which can be undertaken by such methods without seriously impairing the quality of the work.

ADVERTISEMENT AND AWARD OF CONTRACT

SEC. 9. Before a contract is awarded for any project bids shall be requested by advertisement inserted once a week for not less than two weeks in such newspapers and/or other publications as will insure adequate publicity. The award, if made, shall be to the lowest qualified bidder submitting a proposal in conformity with the requirements of the specifications.

CONTRACTS AND CONSTRUCTION

SEC. 10. All contracts for the construction of works program highway projects shall be entered into by the State highway department and no contract for any such project, or part thereof, shall be entered into or award therefor made by any State without prior concurrence in such action by the district engineer of the Bureau of Public Roads.

Approval will not be given to any procedure or requirement designed to prevent the award of contracts to qualified contractors nonresident of the State in which the work is located. All contracts shall contain special provisions prescribed by the Bureau of Public Roads to give effect to requirements respecting wages, hours of work, conditions of employment, etc., as prescribed by executive orders and contemplated by these rules and regulations affecting such work.

WAGES OF LABOR

SEC. 11. All contracts for the construction of highways under this act shall prescribe the minimum rate of wages, as predetermined by the State highway department subject to the approval and in conformity with standards fixed by the Bureau of Public Roads, which contractors shall pay to the different classes of labor and such minimum rates shall be stated also in the advertisement for bids and in proposals or bids which may be submitted. The wage rates so determined shall be a minimum rate for unskilled labor, a minimum rate for labor, intermediate grade, and a minimum rate for skilled labor. The classification of labor employed on highway work into the three classes mentioned shall be in accordance with instructions issued by the Bureau of Public Roads. The minimum wage rates established shall be reasonably comparable to the hourly rates paid by the State highway department with its own funds for work of a similar character. In establishing wage rates to apply to different sections of a State consideration may be given to the variation in living costs in the different sections of a State.

All contracts for the construction of projects under these rules and regulations shall require that the wages of all labor shall be paid in legal tender of the United States. This condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be readily cashed by the employee in the immediate community for the full amount, without discount or collection charges of any kind.

EMPLOYMENT OF LABOR

SEC. 12. Contracts for all projects shall provide that (except in executive, administrative, supervisory, and highly skilled positions) only persons certified for assignment to work by the United States Employment Service shall be employed, and that preference in the employment of persons certified by the United States Employment Service shall be given, when they are qualified, to those from the public relief rolls.

No person under the age of 16 years, and no one whose age or physical condition is such as to make his employment dangerous to his health or safety, or to the health and safety of others, shall be employed on any project. This paragraph shall not be construed to operate against the employment of physically handicapped persons, otherwise employable, where such persons may be safely assigned to work which they can ably perform.

No person currently serving sentence to a penal or correctional institution shall be employed on any project.

Except as specifically provided under this section, workers who are qualified by training or experience to be assigned to projects of this character shall not be discriminated against on any grounds whatsoever.

All contracts shall be conducted in accordance with safe working conditions, and every effort shall be made for the prevention of accidents.

The wages to be paid on projects under this act may not be pledged or assigned, and any purported pledge or assignment shall be null and void.

HOURS OF LABOR

SEC. 13. Contracts for all projects under this act shall contain a stipulation that the maximum hours of work for manual labor shall be 8 hours per day and 130 hours per month, and the maximum hours of work for clerical and other nonmanual employees shall be 8 hours per day and 40 hours per week. It shall not be considered practical and feasible to apply the 130-hour-per-month limitation to work located at points so remote and inaccessible that camps are necessary for housing and boarding practically all of the labor employed on the work as determined by the State highway department with the approval of the district engineer of the Bureau of Public Roads prior to advertisement, provided, however, that on all such isolated projects the maximum hours of work shall be 8 hours per day and 40 hours per week.

CERTIFIED PAY ROLLS TO BE FURNISHED

SEC. 14. The specifications for each project shall contain a provision requiring the contractor and all subcontractors to furnish to the State highway department, on forms to be prescribed and in accordance with instructions to be furnished, copies of weekly pay rolls within 3 days after the payment of such pay rolls and there shall be attached to such pay rolls an affidavit

as required by the provisions of Public Act No. 324—Seventy-third Congress, approved June 13, 1934, which shall be included in and made a part of the special provisions. Each pay roll shall also be accompanied by a statement indicating the approximate expenditures for the principal materials used or purchased for the work, itemized as may be required. The pay rolls shall be divided into four sections under which shall be appropriately grouped:

(1) Executive, administrative, and supervisory employees.
(2) Skilled labor.
(3) Intermediate labor.
(4) Unskilled labor.

All employees shall be paid weekly and all pay rolls shall be submitted for each calendar week not later than the third day after the date on which employees are paid, which shall not be later than Wednesday of the week following the week covered by the pay roll.

The total number of hours of employment given under each of the four sections of the pay roll, together with the total amount paid under each section of the pay roll, shall be shown on each weekly pay roll and the totals for both items shall be carried forward to succeeding pay rolls so that the final pay roll will reflect the total hours of employment given to the different classifications of labor as well as the total amounts paid to each classification. Deviation from this procedure will not be permitted. The contractor's time book shall be open to inspection by the Secretary, or his authorized representative, and to authorized representatives of the State highway department at any time.

A monthly report shall be prepared by the contractor on forms furnished by the Department of Labor for each calendar month, showing the number of persons on the pay rolls of the contractor and subcontractors on each project, the aggregate amount of such pay rolls, the man-hours worked during the month, and the approximate expenditures for materials during the month itemized as may be required. This report in duplicate shall be furnished to the State resident engineer on the project within 5 days after the close of each calendar month and promptly transmitted by him to the district engineer of the United States Bureau of Public Roads.

The pay rolls shall show clearly whether or not the persons listed thereon as obtained from the Reemployment Service were listed as drawn from the relief rolls.

EMPLOYMENT AGENCIES

SEC. 15. All contracts for work to be done under this act shall provide that labor required for such projects and appropriately to be selected through local employment services shall be selected from qualified workers referred by employment agencies designated by the United States Employment Service and in accordance with the required special provisions.

SUBLETTING AND SUBCONTRACTING

SEC. 16. All contracts for projects under this act shall contain suitable stipulations designed to insure that not less than 80 percent of the work embraced in the contract, exclusive of items not commonly found in contracts for similar work, or which require highly specialized knowledge, craftsmanship, and/or equipment not ordinarily available in contracting organizations which perform work of the character embraced in the contract, shall be performed by the contractor with his own organization; provided that a procedure may be approved whereby a contractor who states in his proposal a particular item or items which he proposes to sublet and names the subcontractor to whom he proposes to sublet such work, may, if such item or items do not constitute the major item or items of the contract, have such work performed by the subcontractor named, notwithstanding the above limitation. The State highway department shall furnish to the Bureau of Public Roads for transmittal to the Works Progress Administration and to the Department of Labor the names and addresses of all subcontractors on projects at the earliest date practicable.

USE OF DOMESTIC MATERIALS

SEC. 17. All contracts for projects under this act shall provide that in the performance of the work the contractor, subcontractors, material producers, or suppliers shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies, mined, produced, or

manufactured, as the case may be, in the United States, unless articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; provided, however, that if the Bureau of Public Roads shall find that in respect to some particular articles, materials, or supplies, it is impracticable to make such requirement, or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to those particular articles, materials, or supplies, and a public record shall be made of the findings which justified the exception.

DIRECT-LABOR OR FORCE-ACCOUNT WORK

SEC. 18. Any work done by direct labor or force account under this act shall be subject to these rules and regulations.

MATERIALS

SEC. 19. All contracts for the construction of highways under this act which are paid for in whole or in part with works program highway funds shall require the contractor to furnish all materials entering into the work, and no requirement shall be contained in any contract in any State providing price differentials for or restricting the use of materials to those produced within the State; provided that in the event any arrangements are made by the Federal Government for the purchase of materials which the contractor could utilize in his work, the specifications shall list such materials, the prices at which the contractor will be charged therefor or at which he may purchase them, and the methods under which they will be made available; and the contractor shall have the option of obtaining such materials as may be required in his work, by such methods, or of obtaining them through ordinary commercial channels, as may appear to his advantage.

On direct-labor or force-account work all materials shall be purchased under competitive bids, except that for minor quantities of materials which may be obtained locally from a number of independent sources, the receipt by the State of quotations from not less than three local dealers will be considered as sufficient means to secure economy and efficiency in the corresponding expenditure of public funds. Published advertisements shall be employed in the purchase of large quantities of materials and the award made on the basis of sealed bids publicly opened. In the event that arrangements are made by the Government for the purchase of materials which may be used on direct-labor or force-account work, the same option with respect to the use of such materials shall obtain as on contract work.

All materials whether used on contract or force-account work shall comply with approved specifications.

APPROVAL OF PLANS BY DISTRICT ENGINEER

SEC. 20. When, in the opinion of the district engineer of the Bureau of Public Roads, a State shall have filed a complete project statement for a project on an approved program and satisfactory plans, specifications, and estimate therefor, or for any part thereof, the district engineer may authorize advertisement of such project, or of such part thereof, and/or may recommend approval of such plans, specifications, and estimates, but shall not concur in the award of any contract until after the project statement has been approved.

Projects of a high order of priority with respect to providing employment on desirable improvements, and conforming to these rules and regulations to the extent of a reasonable percentage of the work permissible under the different classifications of projects, may be approved by the district engineer for construction upon the submission of a project statement and satisfactory plans prior to formal action on a detailed program submitted by any State, provided clearance is obtained on such projects from the State director of the National Emergency Council and the State administrator of the Works Progress Administration.

ROADSIDE IMPROVEMENT PROJECTS

SEC. 21. The selection of projects to be undertaken under this act shall include the appropriate landscaping of parkways or roadsides on a reasonably extensive mileage and involving an expenditure of not less than 1 percent of the apportionment to each State.

HIGHWAY PLANNING PROJECTS

SEC. 22. With the approval of the Secretary, not to exceed 1½ percent of the amount appropriated to any State for highways, roads, and streets may be used for surveys, plans, and engineering investigations of projects for future construction in such State or for the general planning of a complete highway system and program of highway improvement for such State. Such proposed surveys, plans, and engineering investigations shall be initiated by the State highway departments in the same manner as other projects by the submission of a project statement and, if approved by the Secretary, the work may be prosecuted under a project agreement. This section shall not apply to surveys, plans, or engineering investigations of construction projects to be financed with any Federal funds immediately available.

ALTERNATE PLAN FOR UTILIZATION OF WORKS PROGRAM HIGHWAY FUNDS

SEC. 23. Any State highway department desiring to do so may propose an alternate plan for the utilization of works program highway funds and such alternate plan may be approved provided it satisfies the following conditions:

(1) That the State enter into a binding agreement with the Secretary to undertake works program highway projects in accordance with all the rules and regulations promulgated for such projects except with respect to section 6, entitled "Basis of approval of projects", and such portions of other sections as directly relate to section 6.

(2) That in consideration of such release from the requirements of the rules and regulations respecting "Basis of approval of projects" and such portions of other sections as directly relate to this section, the State agrees:

(*a*) To secure from the United States Employment Service and give employment to its full quota of individuals determined by dividing the allotment to the State for works program highway projects by the allowable expenditure of $1,400 per man-year of employment, or to provide the equivalent in man-hours of employment thereof on the basis of 1,560 man-hours of employment per year (130 hours per month times 12 months): *Provided, however,* that if the minimum wage rates established by the State highway department are such as to make possible monthly earnings substantially in excess of the schedule of monthly earnings established by Executive order for the general works program by giving employment for less than 130 hours per month, the equivalent hours of employment per month may be adjusted accordingly and the equivalent man-hours of employment per year may be computed on such basis.

(*b*) To give employment to all such individuals so employed at the determined wage rates and hours of employment for a period of 1 year, or the equivalent thereof in man-hours of employment on highway work under the direct supervision of the State highway department.

(*c*) To provide State funds to carry into effect this obligation to the extent necessary in excess of Federal highway funds allotted the State.

(*d*) To cooperate with the Bureau of Public Roads and the Works Progress Administration in every way possible to make such employment effective and in harmony with the administration's work-relief policies.

(*e*) To furnish certified copies of all pay rolls on which labor obtained from the United States Employment Service is employed under this proposal showing the names of persons secured from the United States Employment Service and the total man-hours of employment given to each. The totals in man-hour employment shall be carried forward to succeeding pay rolls.

(3) To safeguard the interests of the Government the total Federal reimbursement to the State at any time on works program highway projects approved under the alternate plan shall not exceed the product of the total man-hours employment given to individuals secured from the United States Employment Service on such projects and other projects undertaken by the State on which credit may be taken for its employment quota, multiplied by the allowable expenditure of works program highway funds for each man-hour of employment given, computed as outlined in this section.

MAINTENANCE OF SECONDARY OR FEEDER ROADS

SEC. 24. Project agreements for secondary or feeder road projects shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit,

in the form prescribed by the Secretary, an agreement with the county or other political subdivision for such maintenance.

MAINTENANCE OF PROJECTS WITHIN MUNICIPALITIES

SEC. 25. Project agreements for projects within municipalities shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit, in the form prescribed by the Secretary, an agreement with the municipality or other political subdivision for such maintenance.

AVAILABILITY OF FUNDS

SEC. 26. The funds apportioned to the State under the act are for use during the fiscal year 1936. They are only available to the extent that they can be used expeditiously under these rules and regulations.

STATES WITHOUT SATISFACTORY HIGHWAY DEPARTMENTS

SEC. 27. If the Secretary shall find that any State is without a satisfactory State highway department, as defined by the Federal Highway Act (Sec. 2), the administration of the apportionment to such State, pursuant to the Emergency Relief Appropriation Act of 1935, shall be subject to such special rules and regulations, authorized by law, as may be prescribed by the Secretary of Agriculture.

PAYMENT TO STATES

SEC. 28. No payments will be made to any State on account of work performed on any project which has not been done in accordance with these rules and regulations and the special provisions issued thereunder. The final voucher for each project shall be accompanied by a statement showing: (1) the total man-hours of employment given to persons employed on the project under each pay-roll classification, together with the total amounts paid to such employment classifications; (2) the quantities and cost of each of the principal materials purchased from commercial sources and entering into the work; and (3) the quantities of each of the principal materials produced locally by the contractor and/or subcontractors and entering into the work.

APPLICATION OF REGULATIONS

SEC. 29. These rules and regulations shall apply to all funds allocated and apportioned or otherwise made available thereunder for the construction of public highways and other related projects (except within or adjacent to national forests, national parks, national parkways, or other Federal reservations) from the appropriations contained in the Emergency Relief Appropriation Act of 1935. They shall not apply to projects under the direction or supervision of the Works Progress Administration.

VIOLATION OF RULES AND REGULATIONS

SEC. 30. Any contractor who deliberately violates the spirit and intent of these rules and regulations or the special provisions issued thereunder shall not be eligible to bid upon any further work involving the use of works program highway funds.

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